

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants note that the Office Action is silent with respect to the acceptability of the drawings. Accordingly, Applicants conclude that the drawings filed with the application have been accepted, and no replacement drawing sheet(s) are required.

The Examiner rejects claims 1-3, 10-13, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,204,969 to CAPPS et. al., (hereinafter CAPPS). Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being obvious over CAPPS in view of U.S. Patent 5,438,180 to EISENBRANDT et. al., (hereinafter EISENBRANDT). Claims 6-9 stand rejected under 35 U.S.C. §103(a) as being obvious over CAPPS in view of U.S. Patent 5,555,369 to MENENDEZ et. al., (hereinafter MENENDEZ), while claim 14 is rejected under 35 U.S.C. §103(a) as being obvious over CAPPS in view of U.S. Patent 5,559,301 to BRYAN, Jr. et. al., (hereinafter BRYAN). Applicants respectfully traverse each rejection set forth by the Examiner.

According to a feature of the present invention, discussed at, inter alia, page 36, lines 18-27 of Applicants' specification, descriptive labels provide a content-related description of the sound generated (or representation thereof), wherein the label identifies the sound generated. Applicants submit that at least this feature is lacking from CAPPS and the other applied art of record.

CAPPS discloses a system in which a sound editor displays sound waveforms, and in

which several simultaneously displayed waveforms may be mixed together, with the pitch and amplitude of one part of each waveform being changed by means of a screen display. An editor allows play back of sound, and includes the capability to alter the pitch or volume of part of a sound (see, for example, column 3, lines 16-24 of CAPPS). Further, column 4, lines 58-62 of CAPPS describe a “Bender” effect, in which the pitch of a sound is adjusted by an amount that varies along the length of the sound. In addition, column 5, lines 3-7 of CAPPS discloses buttons 53A-53E to adjust scale 51A to the left of a waveform. For example, if a user checks button 53E, labeled as “2 Octaves”, this action raises or lowers the pitch of the sound by as much as two octaves, instead of only one octave (which occurs when the user checks button 53D). Applicants submit that buttons 53D and 53E identifies the parameter values of the pitch and thus, these labels indicate how the pitch of the sound will be manipulated when either button is selected. In other words, these labels are descriptive only of the sound transformation or how the sound will be processed/modified when the button is selected. Applicants submit that these buttons do not convey any meaning with regard to the content of the sound being produced, nor do they identify the sound produced.

On the other hand, CAPPS teaches that the descriptive labels provide a content-related description of the sound generated (or representation thereof), and that the selection of the value automatically selects the corresponding label that identifies the sound generated. This is particularly advantageous since the labels, when selected, can be used to construct a semantic description of the content of the sounds, as discussed, for example, at page 45 of

Applicants' specification. Thus, Applicants submit that the present invention enables sound generated to be identified based on the descriptive labels, which provides for easy cataloging and searching.

By the current amendment, Applicants amend independent claims 1 and 16 to clarify the invention, based on the above discussion. Applicants submit that the present invention, as defined by the amended claims, is distinguishable from CAPPS, as at least this feature is lacking from CAPPS. Accordingly, Applicants submit that the ground for the 35 U.S.C. §102(b) rejection no longer exists. Thus, the Examiner is respectfully requested to withdraw this ground of rejection, and to indicate the allowability of the pending claims.

Further, Applicants submit that it would not be obvious to modify CAPPS to arrive at the present invention in an attempt to reject the amended claims under 35 U.S.C. §103. CAPPS et. al. is concerned with providing a convenient user interface for the easy editing of sounds (see, for example, column 1, lines 27-31), and it is not concerned with locating a particular sound effect in a multimedia document. Further, as discussed above, buttons 53D and 53E enable the user to select the pitch level to manipulate the sound to create different sound effects, but there is no discussion (or even suggestion) of the desirability of using the buttons to provide a content-related description of the sound so that the buttons can be used to identify the sound produced. Consequently, Applicants submit that there is no motivation for one skilled in the art to modify the teachings of CAPPS, by employing buttons 53D and 53E as labels providing content-related description of the sound generated, since to do so

would not give effect to the prior art invention.

In addition, Applicants submit that the remaining applied references (e.g., EISENBRANDT, MENENDEZ and BRYAN) fail to disclose or suggest that which is lacking from CAPPS. Thus, Applicants submit that even if one attempted to combine the teachings of the various references in the manner suggested by the Examiner, one would still fail to obtain the presently claimed invention, as such combinations would fail to include descriptive labels that provide a content-related description of the sound generated, wherein the label identifies the sound generated. Accordingly, Applicants submit that additional grounds exist for concluding that the pending claims are allowable over the applied art of record, and respectfully request withdrawal of the various 35 U.S.C. §103 rejections.

Although Applicants submit that dependent claims 2-15 are allowable over the art of record in view of the current amendment to claim 1, and thus, a detailed response to the rejections set forth against these claims are not necessary, Applicants wish to note the following with regard to claims 3-5. Specifically, in claim 3, the Examiner asserts that CAPPS discloses that value labels are combined with a model label to indicate the identity of the model. Applicants respectfully disagrees with this assertion.

Applicants submit that value labels are illustrated in Fig. 5 (items 53D and 53E) of CAPPS, and from Fig. 4A, the model labels are represented by the leftmost column of each row of Fig. 4A; specifically, “Music (0-68238) Mono 22k”, “Voice (10240-35840) Mono 22k”, “Foot Step (3392-30656) Mono 11k” and “Gun Shot (4544-8448) Mono 11k”.

Applicants submit that there is no correlation between the value labels “1 octave” or “2 octaves” and these model names. Thus, Applicants submit that there is no disclosure or suggestion in CAPPs for combining the value labels 53D and 53E (of Fig. 5) with the model labels of “Music”, “Voice”, “Foot Step” or “Gun Shot” to arrive at the feature defined in claim 3 of the present application.

With respect to claims 4 and 5, the Examiner asserts that it was obvious to combine the teachings of CAPPs and EISENBRANDT to arrive at Applicants’ invention. Again, Applicants respectfully disagree. Applicants note that CAPPs relates to the field of sound engineering using digital signal processing methods to process sounds to create sound effects. Applicants also note that EISENBRANDT relates to cooking appliances having electronic controls. Applicants submit that EISENBRANDT is not concerned with sound processing, which is an essential component of the instant invention (along with CAPPs). Further, Applicants submit that the device of EISENBRANDT does not include a sound generator. As a result, Applicants submit that EISENBRANDT is directed to non-analogous art, and thus, there would have been no motivation for one skilled in the art at the time of Applicant’s invention to combine the teachings of EISENBRANDT with CAPPs in an attempt to obtain Applicants’ invention. However, even if one would have attempted to combine the teachings of the two non-analogous art documents, Applicants submit that such a combination would still lack all the features of Applicants’ invention, as defined in amended claims 1 and 16, and thus, such a combination would not render Applicants’

invention obvious.

Applicants also submit new dependent claims 17-19 for the Examiner's consideration. Support for the subject matter of claims 17-19 may be found, inter alia, at page 37 of Applicants' specification. Applicants submit that these claims are allowable at least for the reasons discussed above (e.g., descriptive labels that provide a content-related description of the sound generated, wherein the label identifies the sound generated), and further, for the limitations recited in the respective dependent claims. Accordingly, the Examiner is requested to also indicate the allowability of newly submitted claims 17-19.

In view of the above, the Examiner is respectfully requested to withdraw the various grounds of rejection, to indicate the allowability of the pending claims, and to pass the application to issue.

SUMMARY AND CONCLUSION

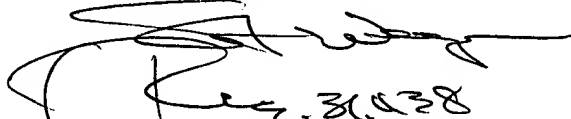
In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to

render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Lonce LeMar WYSE et al.



Bruce H. Bernstein
Reg. No. 29,027

August 19, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191